

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

GREGORY FERGUSON, 95A1149,

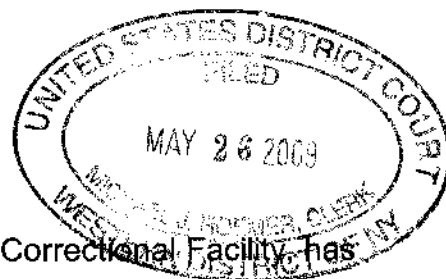
Plaintiff,

-v-

JOHN DOE and JOHN DOE,,

Defendants.

DECISION and ORDER
08-CV-348Sc




Plaintiff, Gregory Ferguson, an inmate of the Southport Correctional Facility, has filed this *pro se* action seeking relief under 42 U.S.C. § 1983 (Docket No. 1) and has both requested permission to proceed *in forma pauperis* and filed a signed Authorization (Docket No. 2). Plaintiff claims that the defendants, two John Does, violated his rights when, after he was injured in an attack by another inmate, they negligently transported him to the facility hospital. He fell out of the stretcher because they failed to attach the safety belt, causing a broken nose and cheek bone. This case is an exact duplicate of 08-CV-330, and must be closed as opened in error.¹

SO ORDERED.

Dated:

May 22, 2009
Buffalo, New York


WILLIAM M. SKRETNY
United States District Judge

¹ 08-CV-336Sc was closed on 6/30/08 for the same reason.